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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/675,675 | 09/30/2003 | Ira R. Forman | AUS920030326US1 | 6754 |

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EXAMINER

LIU, ERIC

ART UNIT

PAPER NUMBER

3628

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 03/29/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/675,675 | Applicant(s) FORMAN ET AL. | |
| | Examiner Eric Liou | Art Unit 3628 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. Claims 4, 6, 11, 13, and 18-19 are objected to because of informalities.
2. Claims 4, 11, and 18 recite the phrase “compensating said client stations for said computer power compensate said client stations by providing a Web document” in lines 6-8. The Examiner recommends deleting “compensate said client stations” from the claims to make them more concise.
3. Claims 6, 13, and 19 should recite “client computer station” in lines 6-7 in order to stay consistent with independent claims 1, 8, and 15. Appropriate correction is required.

Drawings

4. The drawings are objected to because page 3 is missing the title “Fig. 3”. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR

Art Unit: 3628

1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 1 recites the limitation "the performance" in lines 12-13. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 2 recites the limitation "the market value" in line 3. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 5 recites the limitation "the amount of data processed" and "the type of data processing used in processing the data" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 8 recites the limitation "the performance" in lines 12. There is insufficient antecedent basis for this limitation in the claim.

11. Claim 9 recites the limitation "the market value" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Art Unit: 3628

12. Claim 12 recites the limitation "the amount of data processed" and "the type of data processing used in processing the data" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 15 recites the limitation "the performance" in lines 13-14. There is insufficient antecedent basis for this limitation in the claim.

14. Claim 16 recites the limitation "the market value" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

16. Claims 1, 6-8, 13-15, and 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by McKnight et al., U.S. Publication No. 2002/0165819.

17. As per claim 1 and 15, McKnight teaches the system and computer program for tracking distributed computer power to users and compensating computer power providers (McKnight: Figure 7 and paragraph 0030, "The main memory 704 provides storage of instructions and data for programs executing on the central processing system 702." comprising: a computer power service broker (McKnight: Figure 1, "110" and paragraph 0016, "system manager 110"); means, associated with said broker, for soliciting each of a plurality of client computer stations on the

Art Unit: 3628

Web to offer for general distribution over the Web computer power in excess to the computer power requirements of each respective client computer station (McKnight: paragraph 0016, "A system manager 110 integrates, organizes and manages the computing resources furnished by hosts 102 and user hosts 104 and the provision of distributed computing services to users 106 and other user/hosts 104." and paragraph 0017, The Examiner notes, the host 102 is the client and the user 106 is the consumer.); means, associated with said broker, for soliciting a plurality of consumer stations on the Web to request the performance of functions requiring computer power (McKnight: paragraph 0017, "...users 106 (and user/hosts 104) agree or contract with the organization for purchasing distributed computing services utilizing the computing resources provided by hosts 102 (and other user/hosts 104). The Examiner interprets the step of agreeing or contracting with the organization to be the system manager soliciting the users to request the performance of functions requiring power."); means, associated with said broker, for distributing each of said requested functions requiring computer power among a plurality of said client computer stations offering said computer power (McKnight: paragraph 0017, The Examiner notes, the host providing distributed computing services to the system results in the user requests being distributed among the hosts.); means, associated with said broker, for tracking and for billing consumer stations for computer power used in performance of requested functions (McKnight: paragraph 0019, "The organization may then collect fees from users..." and paragraph 0020); and means, associated with said broker, for tracking and compensating said client stations for said excess computer power used in performance of said requested functions (McKnight: paragraph 0019, "In consideration for the furnished computing services, the host 102

Art Unit: 3628

(or user/host 104) is provided compensation or incentives corresponding to the computing resources made available.”).

18. As per claims 6 and 19, McKnight teaches the system and computer program of claims 1 and 15 as described above. McKnight further teaches each of said plurality of client stations on the Web offering computer power for distribution further includes means permitting said computer power service broker to access, via the Web, the computer power of said computer station (McKnight: Figure 1 and paragraph 0016, “A system manager 110 integrates, organizes and manages the computing resources furnished by hosts 102 and user hosts 104...”).

19. As per claims 7 and 20, McKnight teaches the system and computer program of claims 6 and 19 as described above. McKnight further teaches means, associated with said broker, for distributing via the Web to said client stations, said means permitting said computer power service broker to access the computer power of said client stations (McKnight: Figure 1 and paragraph 0016, “A system manager 110 integrates, organizes and manages the computing resources furnished by hosts 102 and user hosts 104...”).

20. As per claim 8, McKnight teaches a method for tracking distributed computer power to users and compensating computer power providers comprising: soliciting, through a computer power service broker, each of a plurality of client computer stations on the Web to offer for general distribution over the Web computer power in excess to the computer power requirements of each client respective computer station (McKnight: paragraph 0016, “A system manager 110 integrates, organizes and manages the computing resources furnished by hosts 102 and user hosts 104 and the provision of distributed computing services to users 106 and other user/hosts 104.” and paragraph 0017, The Examiner notes, the host 102 is the client and the user 106 is the

consumer.); soliciting, through a computer power service broker, a plurality of consumer stations on the Web to request the performance of functions requiring computer power (McKnight: paragraph 0017, "...users 106 (and user/hosts 104) agree or contract with the organization for purchasing distributed computing services utilizing the computing resources provided by hosts 102 (and other user/hosts 104). The Examiner interprets the step of agreeing or contracting with the organization to be the system manager soliciting the users to request the performance of functions requiring power."); distributing, through said broker, each of said requested functions requiring computer power among a plurality of said client stations offering said computer power (McKnight: paragraph 0017, The Examiner notes, the host providing distributed computing services to the system results in the user requests being distributed among the hosts.); tracking and for billing, through said broker, consumer stations for computer power used in performance of requested functions (McKnight: paragraph 0019, "The organization may then collect fees from users..." and paragraph 0020); and tracking and compensating, through said broker, said client stations for said excess computer power used in performance of said requested functions (McKnight: paragraph 0019, "In consideration for the furnished computing services, the host 102 (or user/host 104) is provided compensation or incentives corresponding to the computing resources made available.").

21. As per claim 13, McKnight teaches the method of claim 8 as described. McKnight further teaches each of said plurality of client stations on the Web offering computer power for distribution further permits said computer power service broker to access, via the Web, the computer power of said client station (McKnight: Figure 1 and paragraph 0016, "A system

Art Unit: 3628

manager 110 integrates, organizes and manages the computing resources furnished by hosts 102 and user hosts 104...”).

22. As per claim 14, McKnight teaches the method of claim 13 as described above.

McKnight further teaches the step of distributing through said broker via the Web to said client station, a process permitting said computer power service broker to access the computer power of said client station (McKnight: Figure 1 and paragraph 0016, “A system manager 110 integrates, organizes and manages the computing resources furnished by hosts 102 and user hosts 104...”).

Claim Rejections - 35 USC § 103

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claims 2-3, 5, 9-10, 12, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKnight et al., U.S. Publication No. 2002/0165819 in view of Burnett, U.S. Publication No. 2004/0093295.

25. As per claims 2 and 16, McKnight teaches the system and computer program of claims 1 and 15 as described above. McKnight does not teach means associated with said broker for determining the market value of computer power provided by each client station in performance of said requested functions.

Art Unit: 3628

26. Burnett teaches means associated with said broker for determining the market value of computer power provided by each client station in performance of said requested functions (Burnett: Figure 1 and paragraph 0035 – The Examiner interprets the step of generating a bill to include determining the market value of computer power provided.).

27. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the system and computer program of McKnight to have included means associated with said broker for determining the market value of computer power provided by each client station in performance of said requested functions as taught by Burnett for the advantage of providing reliable distributive computing capability that increases utility and economic efficiency (Burnett: paragraph 0020).

28. As per claims 3 and 17, McKnight in view of Burnett teaches the system and computer program of claims 2 and 16 as described above. Burnett further teaches means for compensating said client stations for said computer power pays said client stations the market value of the computer power provided (Burnett: Figure 1 and paragraph 0035 – The Examiner notes, a consumer pays the client for power provided in response to receiving a bill.).

29. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the system and computer program of McKnight to have included means for compensating said client stations for said computer power pays said client stations the market value of the computer power provided as taught by Burnett for the advantage of providing reliable distributive computing capability that increases utility and economic efficiency (Burnett: paragraph 0020).

Art Unit: 3628

30. As per claims 5 and 12, McKnight in view of Burnett teaches the system and method of claims 2 and 9 as described above. Burnett further teaches the market value of the computer power provided by each client station is determined by the amount of data processed and the type of data processing used in processing the data (Burnett: paragraph 0035 – The Examiner notes, one skilled in the art would recognize that the processing power used to complete a task is determined by the amount of data processed and the type of data processing used. The applied reference has been interpreted and applied assuming basic knowledge of one of ordinary skill in the art. According to *in re Jacoby*, 135 USPQ 317 (CCPA 1962), the skilled artisan is presumed to know something more about the art than only what is disclosed in the applied references. In *In re Bode*, 193 USPQ 12 (CCPA 1977), every reference relies to some extent on knowledge of persons skilled in the art to complement that, which is disclosed therein.).

31. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the system and method of McKnight to have included the market value of the computer power provided by each client station is determined by the amount of data processed and the type of data processing used in processing the data as taught by Burnett for the advantage of providing reliable distributive computing capability that increases utility and economic efficiency (Burnett: paragraph 0020).

32. As per claim 9, McKnight teaches the method of claim 8 as described above. McKnight does not teach the step of determining, through said broker, the market value of computer power provided by each client station in performance of said requested functions.

33. Burnett teaches the step of determining, through said broker, the market value of computer power provided by each client station in performance of said requested functions

Art Unit: 3628

(Burnett: Figure 1 and paragraph 0035 – The Examiner interprets the step of generating a bill to include determining the market value of computer power provided.).

34. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of McKnight to have included the step of determining, through said broker, the market value of computer power provided by each client station in performance of said requested functions as taught by Burnett for the advantage of providing reliable distributive computing capability that increases utility and economic efficiency (Burnett: paragraph 0020).

35. As per claim 10, McKnight teaches the method of claim 9 as described above. Burnett further teaches compensating said client stations for said computer power pays said client stations the market value of the computer power provided (Burnett: Figure 1 and paragraph 0035 – The Examiner notes, a consumer pays the client for power provided in response to receiving a bill.).

36. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method McKnight to have included compensating said client stations for said computer power pays said client stations the market value of the computer power provided as taught by Burnett for the advantage of providing reliable distributive computing capability that increases utility and economic efficiency (Burnett: paragraph 0020).

37. Claims 4, 11, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKnight et al., U.S. Publication No. 2002/0165819 in view of Burnett, U.S. Publication No. 2004/0093295 and further in view of Shuster, U.S. Publication No. 2003/0009533.

Art Unit: 3628

38. As per claims 4, 11, and 18, McKnight in view of Burnett teaches the system, method, and computer program of claims 2, 9, and 16 as described above. Burnett further teaches compensating said client stations for said computer by providing a Web document indicating the contribution of the market value of the computer power supplied (Burnett: paragraphs 0035 and 0022-0023, "...the Internet and the like for transferring data among the server". The Examiner notes, one skilled in the art would recognize that network 104 is capable of sending the bill as a Web document. The applied reference has been interpreted and applied assuming basic knowledge of one of ordinary skill in the art. According to *in re Jacoby*, 135 USPQ 317 (CCPA 1962), the skilled artisan is presumed to know something more about the art than only what is disclosed in the applied references. In *In re Bode*, 193 USPQ 12 (CCPA 1977), every reference relies to some extent on knowledge of persons skilled in the art to complement that, which is disclosed therein.).

39. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the system, method, and computer program of McKnight to have included compensating said client stations for said computer power by providing a Web document indicating the contribution of the market value of the computer power supplied as taught by Burnett for the advantage of providing reliable distributive computing capability that increases utility and economic efficiency (Burnett: paragraph 0020).

40. McKnight in view of Burnett does not teach consumer stations requesting the performance of functions requiring computer power are owned by charitable organizations.

41. Shuster teaches consumer stations requesting the performance of functions requiring computer power are owned by charitable organizations (Shuster: paragraph 0006 – The

Art Unit: 3628

Examiner interprets the use of distributed computing for charitable uses to mean consumer stations are owned by charitable organizations.).

42. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the system, method, and computer program of McKnight in view of Burnett to have included consumer stations requesting the performance of functions requiring computer power are owned by charitable organizations as taught by Shuster for the advantage of providing a distributed computing method and system that is more effective and widespread (Shuster: paragraph 0016).

Conclusion

43. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kurowski et al., U.S. Publication No. 2002/0019844, drawn to a method and system for network-distributed computing. Ellis, III, U.S. Publication No. 2002/0059392, drawn to global network computers.

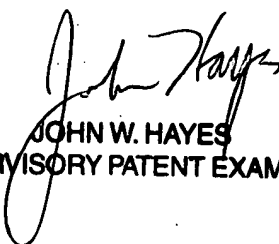
The Examiner has cited particular portions of the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Art Unit: 3628

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Liou whose telephone number is 571-270-1359. The examiner can normally be reached on Monday - Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


JOHN W. HAYES
SUPERVISORY PATENT EXAMINER